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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,923

09/22/2006

Venkatram P Shastri

RCHP-128US

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RATNERPRESTIA

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EXAMINER

DESAI, ANAND U

ART UNIT

PAPER NUMBER

1656

MAIL DATE

DELIVERY MODE

02/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,923	Applicant(s) SHASTRI ET AL.	
	Examiner ANAND U. DESAI	Art Unit 1656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 26-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20081114</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1656

DETAILED ACTION

1. This office action is in response to the amendment filed on November 14, 2008. Claims 26-47 have been withdrawn previously.
2. Claims 1-25 are currently pending and are under examination.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on November 14, 2008 is being considered by the examiner. The signed 1449 form is attached with the office action.

Withdrawal of Rejections

4. The rejection of claim 10 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is withdrawn based on the amendment to the claim.
5. The rejection of claims 1, 2, 10, 13, 14-16 under 35 U.S.C. 102(b) as being anticipated by Pramanik, P. et al. ([Papers presented at the International Conference on Science and Technology of Nanostructured Materials], Puri, India, Jan. 4-8, 2001 (2001), 241-253. Editor(s): Rao, B. K. Nova Science Publishers, Inc.: Huntington, N. Y. ABSTRACT ONLY) is withdrawn based on the remarks filed November 14, 2008.

Art Unit: 1656

Pending Rejections

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. In claim 1 it is unclear how a structure in the micron size range is a nanoparticle? The third and fourth line of the claim refers to a nanoparticle and something that is 10 microns in size. Suggest, particle as amended on line 2 of the claim.

9. Claim 4 recites the limitation "the plurality of monomolecular layers" in the first line. There is insufficient antecedent basis for this limitation in the claim. It appears the claim should depend from claim 3, which describes a plurality of arranged monomolecular layers.

10. Claim 13 recites the limitation "the structure" in the first line. There is insufficient antecedent basis for this limitation in the claim. Applicant has removed reference to the structure in amended claim 1.

11. Claims 2-25 are rejected for depending on rejected claims and failing to cure the indefiniteness of the claims.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 1656

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 2, 5-8, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Eppstein et al. (U.S. Patent 4,962,091).

Eppstein et al. disclose a composition for the controlled administration of a biologically active macromolecular polypeptide comprising (a) a polylactide matrix in which is incorporated a micro-suspension of not more than about 30 percent by weight based on weight of the system of (b) particles of at least one biologically active macromolecular polypeptide having a molecular weight not less than about 1000 daltons, wherein substantially all of the particles of polypeptide have a diameter of 10 microns or less and are uniformly and discreetly dispersed throughout the matrix, and wherein the polypeptide retains at least about 50 percent of the biological activity which it possessed prior to manufacture of the composition. The polypeptide is a hormone, which is epidermal growth factor (see claims 1, 22, 23, and 26).

Conclusion

14. No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANAND U. DESAI whose telephone number is (571)272-0947.

The examiner can normally be reached on Monday - Friday 9:00 a.m. - 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber can be reached on (517) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1656

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 17, 2009

/ANAND U DESAI/

Primary Examiner, Art Unit 1656